



#6

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PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

690089.401C3

First named inventor: Jonathan C. Mallari

Application No.: 09/839,786

Art Unit: 1745

Filed: April 19, 2001

Examiner: Mary Benton

Title: Silicon-Based Fuel Cell Electrode Structures and  
Fuel Cell Electrode Stack Assemblies

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

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APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

OFFICE OF PETITIONS

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 640 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of Response to Notice of Incomplete

Reply (Nonprovisional)  
(Identify type of reply):

☐ has been filed previously on \_\_\_\_\_.

☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

☐ has been paid previously on \_\_\_\_\_.

☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on  
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC  
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

08/27/2002 AWONDAF1 00000049 09835785

01 FC:241

840.00 95

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### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

August 20, 2002  
Date

  
Signature

Telephone  
Number: (206) 448-3284

Thomas E. Loop  
Typed or printed name

2033 Sixth Avenue, Suite 1020  
Address

Seattle, Washington 98121-2584

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

August 20, 2002  
Date

  
Signature

Chris Mergerson  
Typ or printed name of person signing certificate



COPY OF PATENT IS  
ORIGINALLY FILED

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, in an envelope addressed to Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231, on August 20, 2002, as part of a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b).

August 20, 2002  
Date

Chris Mergerson  
Chris Mergerson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jonathan C. Mallari and Chung M. Chan  
Serial No : 09/839,786  
Filed : April 19, 2001  
For : SILICON-BASED FUEL CELL ELECTRODE STRUCTURES AND  
FUEL CELL ELECTRODE STACK ASSEMBLIES

Art Unit: 1745

Examiner: Mary Benton

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

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OFFICE OF PETITIONS

DECLARATION OF THOMAS E. LOOP

Dear Sir:

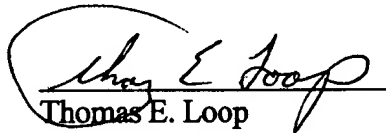
I, Thomas E. Loop, patent attorney of record for U.S. Application No. 09/839,786, filed on April 19, 2001, and entitled, "Silicon-Based Fuel Cell Electrode Structures and Fuel Cell Electrode Stack Assemblies," hereby declare that the delay by Applicant in replying to the outstanding Notice of Incomplete Reply (Nonprovisional) was unintentional.

I have reviewed the case file and have learned that our initial response to the Notice to File

Missing Parts of Nonprovisional Application, dated June 15, 2001, was deemed insufficient, because substitute drawings were required; therefore, a subsequent Notice of Incomplete Reply (Nonprovisional) was later issued, dated November 9, 2001. Unfortunately, this subsequent Notice was not brought to my attention by my assistant, and was inadvertently placed in the case file without proper docketing.

I have just learned of the subsequent Notice and its requirement for the submission of substitute drawings as a result of a just completed case file review. Accordingly, the entire delay in filing the required reply, submitted concurrently herewith, from the due date for the reply until the filing of this petition, was unintentional.

Respectfully Submitted,  
LOOP Intellectual Property Law PLLC

  
Thomas E. Loop  
Registration No. 42,810  
Attorney for Applicant

LOOP Intellectual Property Law PLLC  
2033 Sixth Avenue, Suite 1020  
Seattle, Washington 98121-2584  
(206) 448-3204  
Fax: (206) 441-5514  
[thomas@looplaw.net](mailto:thomas@looplaw.net)

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August 20, 2002  
Date

Chris Mergerson  
Chris Mergerson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jonathan C. Mallari and Chung M. Chan  
Serial No : 09/839,786  
Filed : April 19, 2001  
For : SILICON-BASED FUEL CELL ELECTRODE STRUCTURES AND  
FUEL CELL ELECTRODE STACK ASSEMBLIES

Art Unit: 1745

Examiner: Mary Benton

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Dear Sir:

In response to the Notice of Incomplete Reply (Nonprovisional), dated November 9, 2001, enclosed are the following necessary documents: Substitute drawings in compliance with 37 CFR 1.84; Petition for Extension of Time; a check in the amount of \$460, for a three-month extension of time for a small entity; and copies of the Notice of Incomplete Reply (Nonprovisional), and original Notice to File Missing Parts.

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Respectfully Submitted,  
LOOP Intellectual Property Law PLLC



Thomas E. Loop  
Registration No. 42,810  
Attorney for Applicant

TEL: csm

Enclosures:   Substitute drawings  
                  Petition for Extension of Time  
                  Check for \$460 (extension of time fee for small entity)  
                  Copy of Notice of Incomplete Reply (Nonprovisional)  
                  Copy of original Notice to File Missing Parts

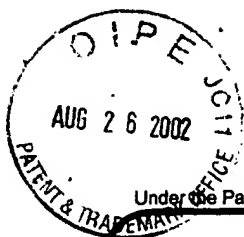
LOOP Intellectual Property Law PLLC  
2033 Sixth Avenue, Suite 1020  
Seattle, Washington 98121-2584  
(206) 448-3204  
Fax: (206) 441-5514  
[thomas@looplaw.net](mailto:thomas@looplaw.net)

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\$DAE

PTO/SB/21 (08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Applicati n Number	09/839,786	
	Filing Date	04/19/2001	
	First Named Inventor	Jonathan C. Mallari	
	Group Art Unit	1745	
	Examiner Name	Mary Benton	
Total Number of Pages in This Submission	14	Attorney Docket Number	690089.401C3

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		<b>RECEIVED</b> AUG 28 2002 OFFICE OF PETITIONS

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thomas E. Loop, Registration No. 42,810 LOOP Intellectual Property Law PLLC
Signature	
Date	08/20/2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: August 20, 2002			
Typed or printed name		Chris Mergerson	
Signature		Date	08/20/2002

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 1100.00

## Complete if Known

Application Number	09/839,786
Filing Dat	04/19/2001
First Named Inventor	Jonathan C. Mallari
Examiner Name	Mary Benton
Group Art Unit	1745
Attorney Docket No.	690089.401C3

## METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number   
Deposit Account Name

☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 0.00

### 2. EXTRA CLAIM FEES

Total Claims  -20\*\* =  X  =   
Independent Claims  -3\*\* =  X  =   
Multiple Dependent  =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	460.00
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	640.00
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 1100.00

## SUBMITTED BY

Name (Print/Type) Thomas E. Loop

Registration No. (Attorney/Agent) 42,810

## Complete (if applicable)

Telephone (206) 448-3204

Signature

Date 08/20/2002

**WARNING:** Information on this form may be **come** public. Credit card information should not be included in this form. Provide credit card information and authorization in PTO-2038.

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U.S. PATENT & TRADEMARK OFFICE  
AUG 26 2002

NOT CORRECT  
DRAWINGS  
SEE PAPER NO. 11

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FIG. 1

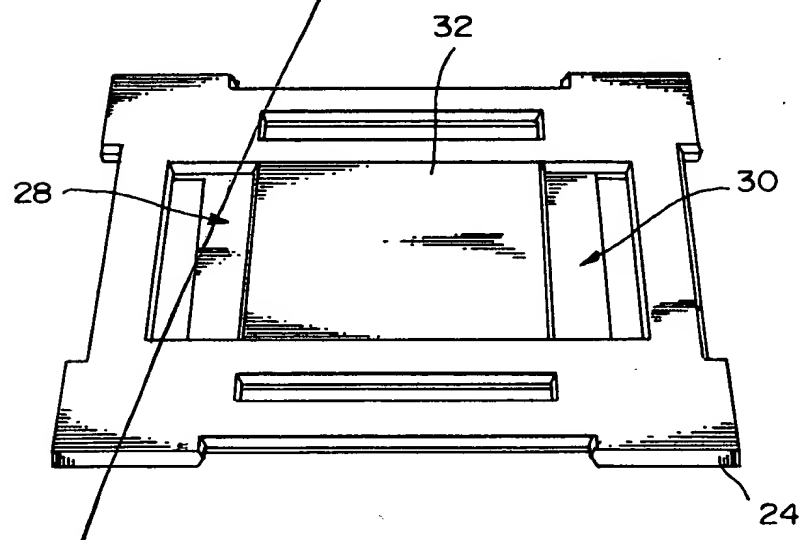
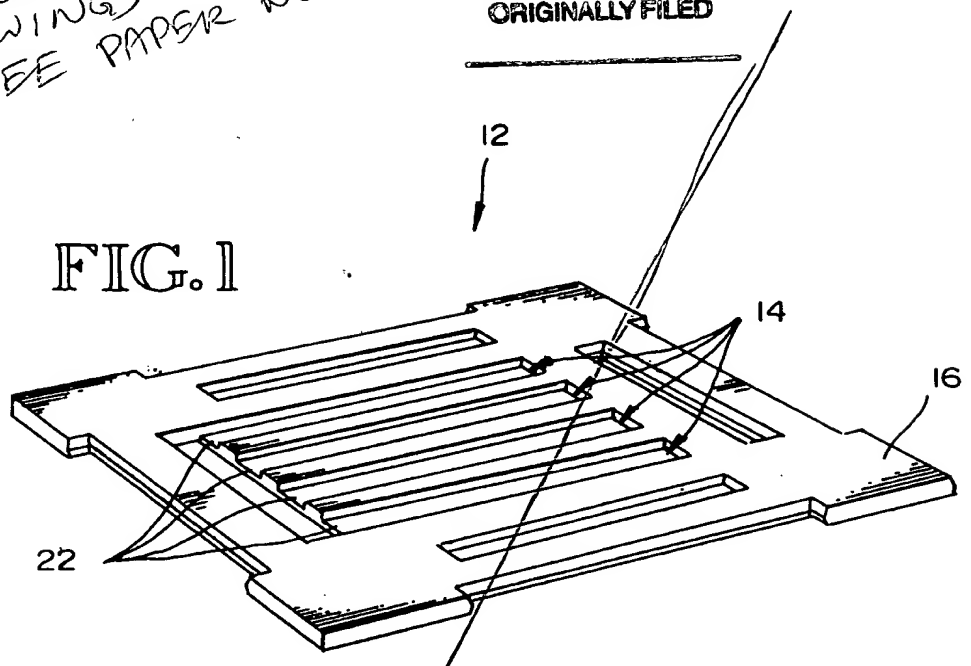


FIG. 2

COIPE  
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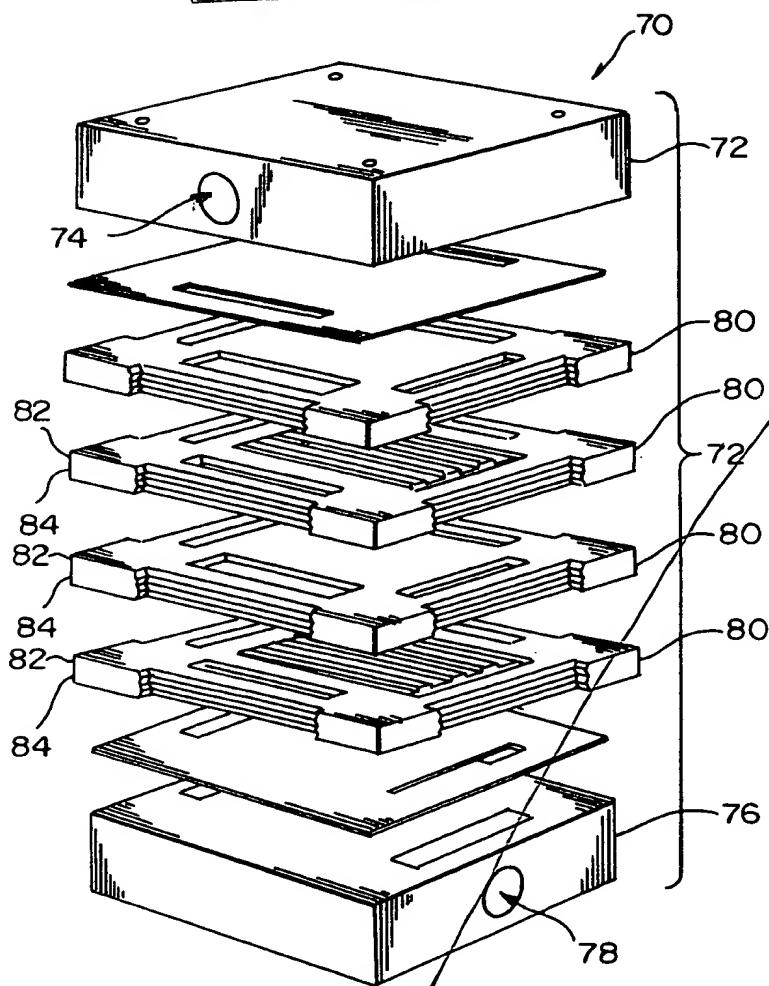


FIG. 3

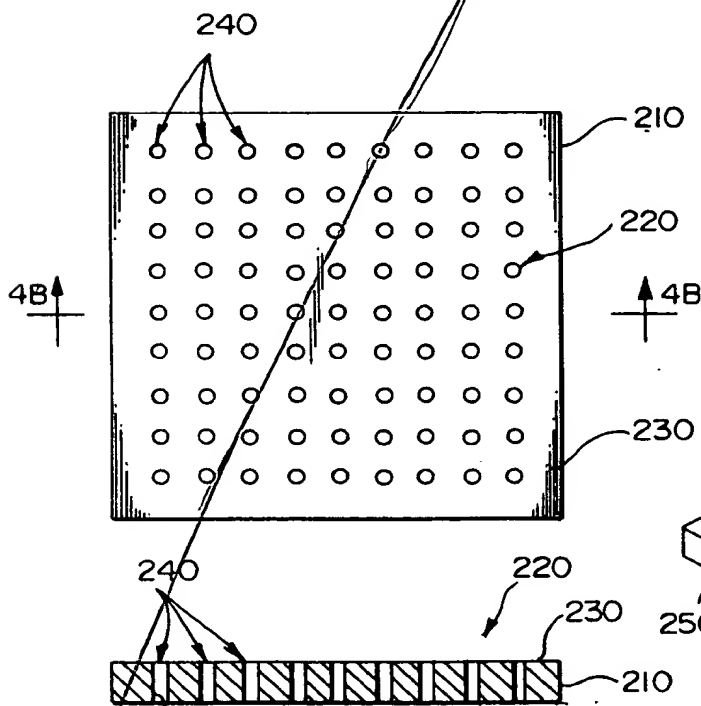


FIG. 4A

FIG. 4B

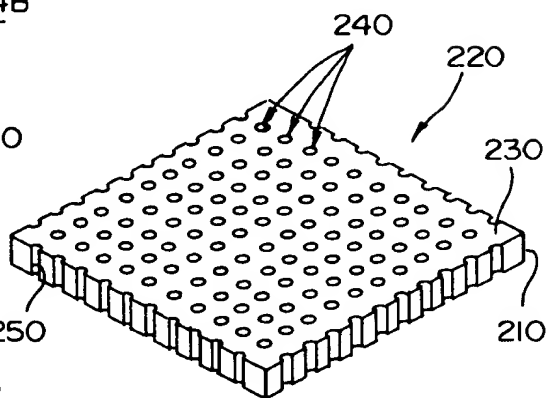


FIG. 4C



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/839,786	04/19/2001	Jonathan C. Mallari	690089.401C3

CONFIRMATION NO. 2552

## FORMALITIES LETTER



\*OC000000007050979\*

Thomas E. Loop  
of Loop Intellectual Property Law PLLC  
Post Office Box 21346  
Seattle, WA 98111-3346

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Date Mailed: 11/09/2001

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 09/14/2001 to the Notice to File Missing Parts (Notice) mailed 06/15/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

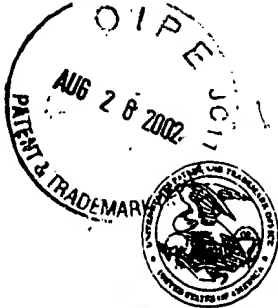
The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/839,786	04/19/2001	Jonathan C. Mallari	690089.401C3

CONFIRMATION NO. 2552

00500  
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
SUITE 6300  
SEATTLE, WA 98104-7092

## FORMALITIES LETTER



\*OC000000008185995\*

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Date Mailed: 06/15/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

*Sady*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY